

DT09 Rec'd PCT/PTO 16 SEP 2004

INFORMATION DISCLOSURE STATEMENT

Applicant	:	Szipirer et al.
App. No.	:	Unknown
Filed	:	September 16, 2004
For	:	POISON/ANTIDOTE GENETIC SYSTEMS FOR THE SELECTION OF GENETICALLY MODIFIED EUCARYOTE CELLS OR ORGANISMS
Examiner	:	Unknown
Group Art Unit	:	Unknown

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


Enclosed is form PTO-1449 listing 3 references that are also enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 16, 2004

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SHEET 1 OF 1

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. VANM290.001APC	APPLICATION NO. Unknown
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)		DT09 Rec'd PCT/PTO 16 SEP 2004	
		APPLICANT Szpirer et al.	
		FILING DATE September 16, 2004	GROUP Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		DE 100 38 573	02/21/02	Germany (with English abstract)				
		WO 97 13401	04/17/97	PCT				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	Gabant P. et al., Use of Poison/Antidote Systems for Selective Cloning, September 19, 2000, Abstract	

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EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

DE 10038573 – A1 (MPB COLOGNE GMBH MOLECULAR PLANT AND PROTEIN BIOTECHNOLOGY) 21 February 2002

DE 10038573 describes systems of host cells, such as plant cells, which have been modified to contain a gene encoding a toxin (toxic protein different from a poison) under the control of an inducible promoter. Furthermore, this patent application envisions in preferred embodiments the toxin containing construct to be integrated into the genome; a Ti-plasmid to be used for transformation; the integration of the sequence into a plastid or mitochondria genome; and the replacement of the sequence to be excised with a desired foreign DNA sequence.

DE 10038573 describes a system for the excision of a specific sequence by selection for the absence of a toxin encoding DNA sequence, and also describes replacement of this toxin encoding sequence with a desired DNA sequence through homologous flanking sequences by the action of a recombinase. This document provides a method for site-specific integration of a desired DNA sequence through replacement of a toxin encoding gene which is under the control of an inducible promoter.

However, this document does not provide any suggestion to include an antidote gene in such a toxin excision/replacement method, to antagonise "leaky" expression of a toxin from an inducible promoter.